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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,584	04/09/2001	Steven V. Kauffman	SVL920010023US1	7961

24852 7590 11/10/2003

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EXAMINER	
BASOM, BLAINE T	
ART UNIT	**PAPER NUMBER**
2173	3

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRE

Office Action Summary	Application No.	Applicant(s)	
	09/829,584	KAUFFMAN ET AL.	
	Examiner	Art Unit	
	Blaine Basom	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-78 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-78 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 09 April 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

Claims 1, 12, 26, and 51 are objected to because of the following informalities:

Regarding claims 1, 26, and 51, the phrase "wherein the second format has a resolution is higher than the first format," which is recited in each of these claims, is deemed grammatically improper. As per claim 12, the capitalization of the word "content" is considered inappropriate.

Double Patenting

Applicant is advised that should claims 26-46 be found allowable, claims 51-71 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 24, 31, and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 6, 31, and 56, there is no antecedent basis for "the ingest station." In reference to claim 24, there is no antecedent basis for "the server."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-29, 31-54, and 56-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,211,869, which is attributed to Loveman et al. (and hereafter referred to as "Loveman"). In general, Loveman describes a "digital multimedia system," which is used by journalists and editors to create news stories that are comprised of video, text, and

graphics (for example, see column 4, lines 28-39). Such a digital multimedia system is therefore considered a "content production system" like that of the claimed invention.

Specifically regarding claims 1 and 76, Loveman discloses that the above-described digital multimedia system comprises a "multimedia capture and encoding system" which receives content in an initial format and reformats the received content into a first version having a first format and a second version having a second format, wherein the second version has a higher resolution than the first version (see column 4, lines 28-46; column 13, lines 14-20; and column 14, lines 13-22). This multimedia capture and encoding system is consequently considered an "ingest system" like that described in the claimed invention. Furthermore, Loveman discloses the two versions of the multimedia content are stored in a "multimedia storage system" (see column 4, lines 47-55). Such a multimedia storage system thus provides storage for the lower and higher resolution content. Loveman discloses that the digital multimedia system further comprises a "video editing and playback system," which is used to generate a composition using a selected portion of the first version of the content, and retrieve and play back the composition using the corresponding portion of the second version of the content (see column 4, line 56 – column 5, line 4). Such a video editing and playback system is consequently understood to comprise an "edit station" and a "retrieval apparatus," like those recited in the claimed invention, wherein the edit station is used for selecting a portion of content from the lower resolution version, and the retrieval apparatus is used for receiving from the edit station a description of this selected portion and retrieving the portion of the higher resolution content corresponding to this selected portion.

Concerning claims 26, 51, 77, and 78, the above-described digital multimedia system of Loveman is understood to necessitate software and teach a method for: receiving content in an initial format and reformatting the received content into content having a first format and content having a second format, wherein the second format has higher resolution that the first format; storing the lower and higher resolution content; selecting a portion of content from the lower resolution content; and, receiving a description of the selected portion and retrieving a portion of content from the higher resolution content corresponding to the selected portion. Such a method is considered a method like that of claims 26 and 77, which is for producing content, and such software is considered a program product, like that recited in claims 51 and 78.

Regarding claims 2-3, 27-28, and 52-53, Loveman discloses that the above-described first version of the reformatted multimedia content is a low resolution version, and that the above-described second version of the reformatted multimedia content is a high resolution version (for example, see column 4, lines 28-39). Moreover, Loveman discloses that each version comprises digitized video content (see column 14, lines 13-22; and column 13, lines 14-37). It is therefore understood that the first version comprises low resolution digitized video content, and that the second version comprises high resolution digitized video content.

As per claims 4, 29, and 54, Loveman discloses that the above-described first version of the reformatted multimedia content may be an MPEG-1 encoded stream (see column 5, line 63 – column 6, line 19). Thus the first version is considered to comprise "MPEG1," as is expressed in each of claims 4, 29, and 53.

With respect to claims 6-7, 31-32, and 56-57, Loveman discloses that the above-described multimedia capture and encoding system is connected to a network, which is used for transmitting data (see column 5, lines 19-34; column 14, lines 13-22; and column 13, lines 14-20). This multimedia capture and encoding system, which is considered an ingest system as described above, is therefore understood to be "web-based" like recited in claims 6, 31, and 56. Moreover, Loveman discloses that the above-described video editing and playback system is connected to a network, which is used for sending and receiving data (see column 5, lines 19-34; column 5, lines 50-62; and column 16, line 64 – column 17, line 11). Therefore, this video editing and playback system, which is understood to comprise an edit station as is described above, is considered "web-based" as recited in claim 7. Since the ingest system and edit station are both web based, the method taught by Loveman, which comprises these systems, is also considered web based as recited in claims 32 and 57.

In reference to claims 8-9, 33-34, and 58-59, Loveman discloses that the above-described first version of the multimedia content, which is of lower resolution than the second version, is stored in fast access storage during editing. Specifically, the version is stored in disk storage (for example, see column 8, lines 18-40).

In regard to claims 10, 35, and 60, Loveman discloses that the above-described second version of the multimedia content, which is of higher resolution than the first version, may be stored on tape storage (for example, see column 12, lines 49-60).

Referring to claims 11, 36, and 61, the multimedia capture and encoding system disclosed by Loveman receives content in an initial format and reformats the received content into a first

version having a first format and a second version having a second format, wherein the second version has a higher resolution than the first version, as is described above. Loveman particularly discloses that this multimedia capture and encoding system comprises a "media recorder" (see column 14, lines 13-22), which receives the multimedia content in its initial format, and *digitizes* and compresses the content into the first and second versions (see column 13, lines 14-37). Since the initial format is *digitized*, or in other words, converted from an analog to a digital format, it is understood that the initial format prior to this digitization is analog.

Concerning claims 12-13, 37-38, and 62-63, Loveman discloses that metadata may be added to the stored multimedia content (see column 19, lines 21-63). It is therefore understood that the digital multimedia system of Loveman comprises an apparatus for adding metadata to the stored content. Specifically regarding claims 13 and 38, Loveman discloses that such metadata may comprise "user defined elements," or in other words, user input (see column 19, lines 48-56).

In regard to claims 14-16, 39-41, and 64-66, Loveman discloses that timecodes identifying corresponding portions of the above-described first and second versions are stored with the first and second versions, respectively (see column 20, lines 19-39). The timecodes associated with the selected portion of the first version, i.e. lower resolution version, are used to retrieve the corresponding portion of the second version, i.e. higher resolution version (see column 20, lines 19-39). Moreover, Loveman presents a graphical user interface used to create compositions of the multimedia data, wherein the timecodes associated with the first version are

superimposed on images of the first version (see column 18, lines 11-25; and reference number 516 in figure 11).

In reference to claims 17-21, 42-46, and 67-71, the video editing and playback system of Loveman is understood to comprise an edit station, which is used to select a portion of content from the low resolution version of the multimedia content, as is described above. Loveman particularly discloses that such an edit station comprises software for searching the lower resolution content based on user specified criteria (see column 17, lines 44-64). Moreover, Loveman discloses that the edit station provides an interface for viewing the lower resolution content and selecting portions therefrom (see column 18, lines 47-55). Also provided by the user interface of the edit station is a "storyboard window," which allows users to create a sequence of selected video clips in order to produce a news story (see column 18, lines 47-55). As this storyboard window allows clips to be laid out in sequence, according to the user's desire, it is interpreted that the sequence can be modified until the user is satisfied with the sequence. Thus the edit station of Loveman is understood to further comprise software for creating a list of selected portions of the lower resolution content, whereby this list may be modified. Lastly, Loveman discloses that this list may be provided to the above-described retrieval apparatus, i.e. "video editor," which retrieves and displays clips of higher resolution content corresponding to the list (see column 18, line 56 – column 19, line 20). Thus the description sent to the retrieval apparatus comprises this list.

In regard to claims 22, 47, 49, 72, and 74, Loveman presents a content editing system, method, and program product wherein multimedia content is reformatted into a first and second

version having different resolutions, and wherein these versions are stored in a multimedia storage system, as is described above. In particular, the first version, i.e. the low resolution version, may be stored in a first server (see column 5, lines 44-49; and column 6, lines 20-49), which is encompassed within a "multimedia archive" (see column 15, lines 30-59). This low resolution content may be accessed, viewed, and selected by an edit station, as is described above. Specifically, the multimedia archive server provides the low resolution content to a content editing application implemented on a journalist workstation, whereby selected portions of the content may be viewed and edited (see column 16, line 64 – column 17, line 11; and column 17, line 44 – column 18, line 60). Thus the server of the multimedia archive is considered to host a content-editing application enabling access, viewing, and selection of portions of the low resolution content. Moreover, Loveman further discloses that a plurality of such journalist workstations may be in communication with the multimedia archive server (see column 14, lines 35-45), each workstation implementing the content-editing application to search, view, and select portions of the low resolution content and from the selected portions, create an edit list for use in retrieving corresponding portions of the high resolution content (see column 16, line 64 – column 17, line 11; and column 17, line 44 – column 19, line 20). In other words, content editing system of Loveman further comprises a plurality of clients in communication with the server, each client enabled to run the content-editing application to search, view, and select portions of the low resolution content and from the selected portions, create an edit list for use in retrieving corresponding portions of the high resolution content.

As per claim 24, the multimedia archive server of Loveman, which is described in the previous paragraph, is understood to necessitate software for enabling access, viewing, and

selection of portions of the low resolution content from a file accessible to the server. Moreover, each of the journalist workstations, which are described in the previous paragraph, are understood to necessitate client software for searching, viewing, and selecting portions of the low resolution content, and from the selected portions, creating an edit list, i.e. story board for use in retrieving corresponding high resolution content. This server software and client software is considered to constitute a "content editing software application," like that of claim 24.

With respect to claims 23, 25, 48, 50, 73, and 75, Loveman discloses that the above-described edit list is sharable with other journalist workstations, i.e. clients, through the multimedia archive server (see column 18, lines 47-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 30, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Loveman, which is described above, and also over the "VideoUniversity.com" website (which is hereafter referred to as "VideoUniversity"). As shown above, Loveman presents a system and method like that recited in claims 1, 26, and 51. Loveman particularly describes a multimedia capture and encoding system, i.e. ingest system, which receives content

in an initial format and reformats the received content into a first version having a first format and a second version having a second format, wherein the second version has a higher resolution than the first version (see column 4, lines 28-46; column 13, lines 14-20; and column 14, lines 13-22). As shown above, Loveman teaches that the format of this first version may comprise MPEG1. Moreover, Loveman discloses that the format of this second version may comprise MJPEG such that is of television broadcast quality (see column 6, lines 3-19). Loveman therefore does not explicitly disclose that the format of the second version comprises MPEG2, as is recited in each of claims 5, 30, and 55.

Like Loveman, VideoUniversity discusses video editing, and more specifically, presents several video editing systems (for example, see page 1). Regarding the claimed invention, VideoUniversity discloses that "while MJPEG is excellent for delivering fantastic video quality out to tape, it is a poor choice for multimedia" (see page 3). As described above, the content production system taught by Loveman is used to capture and edit multimedia content. Moreover, VideoUniversity describes MPEG2 based video compression and compares it with MJPEG, stating that "... the quality of [these] MPEG2 based cards is outstanding. MPEG2 is a much more efficient compression than MJPEG, so you can maintain video quality at ½ the data rate!!" (see the bottom of page 3).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Loveman and VideoUniversity before him at the time the invention was made, to modify the multimedia capture and encoding system of Loveman such that instead of reformatting the initial content into an MJPEG format, it reformats the content into an MPEG2

format, as is taught by VideoUniversity. It would have been advantageous to one of ordinary skill to utilize such a combination because MPEG2 provides similar quality to that of MJPEG at a lower the data rate, as is taught by VideoUniversity.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Sivan et al. U.S. Patent cited therein presents a method for retrieving content over a network, wherein a low resolution and high resolution version of the content are stored at a server, the low resolution version is sent to a client which selects portions of the low resolution content, and in response, the high resolution content corresponding to these selected portions is sent to the client. The Phillips U.S. Patent cited therein presents a method whereby a user edits low resolution content, where in response, corresponding edits are automatically performed on a high resolution version of the content. Lastly, the Anderson U.S. Patent cited therein presents a method for accelerating a user interface, wherein a low resolution and high resolution version of content are stored, the low resolution version is displayed to the user, whom selects portion of the low resolution version, and in response, the high resolution content corresponding to these selected portions is displayed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

btb

JOHN CABECA
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